IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C.W.P. NO. 5925 OF 2007

Date of Decision: April 24, 2007

Bhupinder Singh and others …Petitioners

Versus

The State of Haryana and another …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Girish Agnihotri, Advocate,
for the petitioners.

JUDGMENT

M. M. KUMAR, J.

This petition filed under Article 226 of the Constitution prays for quashing advertisement dated 18.4.2007 (P-4), vide which the Department of Excise, Government of Haryana, has advertised the liquor vends for allotment in some special areas/locations in District Sirsa at lower rates. It is alleged that those rates are 20% to 30% lesser than the rates earlier advertised for the financial year 2007-08 and has also been given additional benefits.

In February, 2007, the respondent department had advertised throughout the State of Haryana various locations for

allotment of liquor vends in pursuance to the Excise Policy for the year 2007-08. The petitioners are successful allottees for some of the liquor vends in District Sirsa. However, no allotment could be made in respect of certain vends as per list Annexure P-3 because nobody had applied for the same, necessitating re-advertisement of those liquor vends for allotment on 18.4.2007. The grievance made by the petitioners is that on account of lesser amount of licence fee fixed for the newly advertised liquor vends by public notice dated 18.4.2007 (P-4), the petitioners would face unhealthy competition, which would result into huge financial loss to them.

We have heard the learned counsel at some length and find that there is no merit in the petition because a perusal of revised list of un-allotted vends (P-3) shows that in cases where the quota has been kept the same, the licence fee has also been maintained and in cases where the quota has been reduced, correspondingly the licence fee has been reduced. For example, in respect of vend at Sr. No. 1 with Code No. SRSCL0002, location Dhanur, the licence fee continued to be Rs. 10 lacs and quota remains the same, whereas in case of vend at Sr. No. 2 with Code No. SRSCL0006, location Kheowali (PS Odhan), the revised quota is reduced from 10766 to 8613 and proportionately the licence fee from Rs. 10 lacs has been revised to Rs. 8 lacs. The same pattern is discernible from the subsequent entry at Sr. No. 3 in respect of Code No. SRSCL0010, location Arianwali, where licence fee has been reduced from Rs. 15 lacs to Rs. 11 lacs and the quota has also been reduced from 16260 to 11924. This method of reducing the licence fee does not suffer from

any legal infirmity warranting a presumption at the hands of the petitioners that they would suffer unhealthy competition. Moreover, Article 19(1)(g) of the Constitution is not available to the petitioners, as has been held by Hon'ble the Supreme Court in **Khoday Distilleries Ltd. v. State of Karnataka, (1995) 1 SCC 574**. We, therefore, do not feel impressed by any of the submission made by the learned counsel.

In view of the above, the instant petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

April 24, 2007
Pkapoor